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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,723	01/30/2004	Adrian B. Chernoff	GP-303333	5120

7590 09/23/2005

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EXAMINER
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MORROW, JASON S

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/768,723	Applicant(s) CHERNOFF ET AL.	
	Examiner Jason S. Morrow	Art Unit 3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-18 and 20 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 8, 9, 10, 13, 19 is/are rejected.
- 7) ☒ Claim(s) 3-7, 11, 12 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 8, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoerster.

Re claim 1, Hoerster discloses a front structure for a vehicle comprising a unitary sheet formed to at least partially define a vehicle cowl (3) and a vehicle bulkhead (2), and wherein the unitary sheet is further configured to at least partially define a front compartment (the compartment in which 4 fits) of the vehicle.

Re claim 2, Hoerster discloses a front structure for a vehicle comprising a unitary panel formed to at least partially define a vehicle cowl (3) and a vehicle bulkhead (2), wherein the unitary panel is further configured to at least partially define a front compartment of the vehicle and wherein the unitary panel is formed using a method selected from the group consisting of quick plastic forming, superplastic forming, and sheet hydroforming (the method of constructing the panel is not given patentable weight in this product claim).

Re claim 8, the cowl is configured to extend across the front compartment and wherein the bulkhead is configured to at least partially separate the front compartment from a passenger compartment of the vehicle (the part 6 must necessarily be part of the passenger compartment).

Re claim 9, the cowl comprises a structural cross beam (the confluence of 2 and 3 creates a cross beam), the cross beam being configured to extend across the front compartment.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoerster in view of Roper.

Roper discloses a method of manufacturing front structure for a vehicle, the method comprising forming a unitary panel, wherein the unitary panel at least partially defines a vehicle cowl and a vehicle bulkhead.

Hoerster does not disclose forming the unitary panel being using a method selected from the group consisting of quick plastic forming, superplastic forming and sheet hydroforming.

Roper teaches the use of sheet hydroforming to form metal parts (see column 1, lines 12-15).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a method, such as that disclosed by Hoerster, to include forming the unitary panel by sheet hydroforming, as taught by Roper, in order to reduce the tooling costs associated with forming such a part in a high quality manner (see Roper, column 2, lines 8-16).

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5. Claims 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoerster in view of Tonoe et al.

Hoerster discloses all the limitations of the claims, as applied above, except for the cowl forming an intake plenum, wherein the cross beam is formed between the plenum and vehicle bulkhead.

Tonoe et al. teaches a cowl forming an intake plenum (figure 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a cowl, such as that disclosed by Hoerster, to include an intake plenum, as taught by Tonoe, et al, which would thus form a cross beam between the plenum and vehicle bulkhead in order to provide a passage for air which would be used for climate control inside the vehicle.

#### *Allowable Subject Matter*

6. Claims 3-7, 11, 12, and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 16, 17, 18, and 20 are allowed.

#### *Conclusion*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason S. Morrow whose telephone number is (571) 272-6663. The examiner can normally be reached on Monday-Friday, 8:00a.m.-4:30p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (571) 272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 13, 2005

Jason S. Morrow  
Primary Examiner  
Art Unit 3612

**JASON MORROW**  
**PRIMARY PATENT EXAMINER**

9/13/05